

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CIVIL ACTION NO. 1:18-cv-10819-LTS

DONNA GAVIN

Plaintiff,

V.

BOSTON POLICE DEPARTMENT¹ et al.

Defendants.

**DEFENDANT, CITY OF BOSTON’S MOTION TO DISMISS PLAINTIFFS’
COMPLAINT**

Now comes the Defendant, City of Boston (hereinafter referred to as the “City”) and hereby respectfully moves this Honorable Court pursuant to Fed. R. Civ. P. 12(b)(6) to dismiss all counts set forth in the Plaintiff’s Complaint against it (Counts I, II, V, and VI [*sic*]). As grounds, the City states that the Complaint (1) does not articulate an adverse employment action or a hostile work environment, and (2) cannot articulate any retaliatory action taken by the City. Further grounds in support of this motion are more fully set forth in the City’s memorandum of law.

¹ The Boston Police Department is not a separate legal entity. Rather it is a department of the City of Boston.

CERTIFICATE OF SERVICE

I hereby certify that on this day, a copy of this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants.

5/17/18 /s/ Erika P. Reis
Date Erika P. Reis

Respectfully submitted,
DEFENDANT, CITY OF BOSTON

Eugene L. O'Flaherty,
Corporation Counsel

By its attorney,

/s/ Erika P. Reis
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7.1 Certification

Undersigned counsel certifies that on May 15, 2018, pursuant to LR, D. Mass. 7.1(a)(2), counsel for the Defendant, City of Boston, Erika P. Reis, spoke to counsel for the Plaintiff, Dan V. Bair II. Parties are unable to resolve or narrow the issues.

Date: 5/15/18 /s/ Erika P. Reis
Erika P. Reis